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Letter dated 15 March 2007 from the Permanent Representative of Uzbekistan addressed to the Secretary-General

I have the honour to bring to your attention the comments of the Ministry of Foreign Affairs of the Republic of Uzbekistan on the content of the report of the International Helsinki Federation for Human Rights concerning the situation of human rights in Uzbekistan (see annex).

The Uzbek side stresses that the report prepared by the International Helsinki Federation for Human Rights on Uzbekistan does not correspond to the reality and maintains false and biased claims with regard to the situation of human rights in the country.

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly under agenda item 67.

(*Signed*) Alisher **Vohidov**
Permanent Representative of the Republic of Uzbekistan

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Annex to the letter dated 15 March 2007 from the Permanent Representative of Uzbekistan addressed to the Secretary-General

[Original: Russian]

Comments of the Ministry of Foreign Affairs of the Republic of Uzbekistan on the report of the International Helsinki Federation for Human Rights (IHF) entitled "The Decimation of the Human Rights Community in Uzbekistan"

Tashkent, 2 March 2007

Unfounded allegations made by IHF	*Comments of Uzbekistan*
1. This report is primarily based on information obtained during a recent mission to Uzbekistan by representatives of IHF.	IHF has not made any requests recently to arrange a visit to Uzbekistan to learn about the country's human rights situation. No representatives of IHF have visited Uzbekistan in an official capacity. The report is based on information from dubious and unverified sources. It is biased and deliberately distorts the real situation.
2. Following the May 2005 events in Andijan, when hundreds of civilians protesting against Government policies were killed through the indiscriminate and disproportionate use of force by law enforcement officials, the Uzbek authorities launched an unprecedented attack on human rights defenders, political activists, journalists and other opponents of the regime. This crackdown has had a devastating impact on the country's civil society, as numerous NGOs and media outlets have been forced to close down, many prominent activists and journalists have fled abroad and others have abandoned their activities because of pressure and intimidation.	The allegations in this paragraph of the report are unfounded. During the events in Andijan, Uzbekistan underwent attacks by terrorists during which several groups of armed militants, numbering more than 100, mounted an assault on a military unit and a police checkpoint, seizing 334 firearms, freeing more than 500 prisoners from the city jail and issuing them with weapons, then attacking the local government building and other official facilities, taking 70 Government officials, law enforcement officers and civilians hostage and organizing attempts to seize power by armed force in Andijan region and to destabilize the situation in Uzbekistan. These events led to the death of 187 individuals, including 94 terrorists, 60 civilians, 11 military servicemen and 20 law enforcement officers. In all, 287 individuals were wounded, including 91 civilians, 49 law enforcement officers and 59 military servicemen. Any country in the world, subjected to attacks of this sort, accompanied by the seizure of local government buildings and the taking of hostages, who were first tortured and then savagely

beaten, would have the right to take appropriate response measures. Uzbekistan took the decisions which it had to take. Furthermore, it is now clear that Uzbekistan succeeded in nipping in the bud a campaign of aggression by terrorists who had their sights set not just on the Ferghana valley, but on the whole of Central Asia.

The investigation, which was carried out in full compliance with the requirements of Uzbek law and international rules, showed that the terrorist acts in Andijan had been meticulously planned and orchestrated by destructive forces outside the country, with a view to overthrowing the constitutional order in Uzbekistan.

In all, during the investigation, 11,916 witnesses, victims and civilian plaintiffs were questioned, 3,664 confrontations of witnesses and suspects were organized, 2,827 inspections of the scene of events and the material evidence were conducted and recorded on film and in photographs, 326 statement verifications were carried out at the scene of events and 3,217 forensic studies of various kinds were ordered and conducted, in the following specialized areas: medicine (584), ballistics (589), criminology (363), biology (667), chemistry (224), commodity science (162), religion (64) and other fields (564). A total of 9,486 separate pieces of material and written evidence were discovered and seized and more than 4,500 decisions handed down on the conduct of a range of investigative actions pursuant to the Code of Criminal Procedure. The materials relating to the investigation into the Andijan events fill 2,823 volumes.

A public trial was held from 20 September to 14 November 2005 of 15 persons who had been active in organizing and carrying out the events in Andijan. Representatives of the diplomatic corps and international organizations, including the United Nations, the Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Shanghai Cooperation

Organization and international human rights bodies had free access to the courtroom.

No restrictions of any kind were placed by the judicial authorities on people wishing to observe the proceedings, which were conducted in strict compliance with Uzbek law.

During the trial, observers had the opportunity to familiarize themselves with all the investigation materials, statements by witnesses, victims and civil plaintiffs and with the entire body of evidence (audio and video materials, findings of numerous forensic studies, incident scene reports, confiscated weapons, some seized during raids on paramilitary facilities and others brought in by terrorists from outside, etc.).

The trial was conducted in full compliance with the law, and the accused were granted all defence rights and the opportunity to appeal against decisions taken relating to them.

The measures taken by the security forces to prevent terrorist acts were reactive in nature and were applied within the bounds of the concepts of "extreme necessity" and "necessary defence", which are universally accepted under criminal law, in full compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted at the eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990 and the Code of Conduct for Law Enforcement Officials adopted under General Assembly resolution 34/169 of 17 December 1979.

During the events in Andijan, firearms were used solely to neutralize acts of violence by the militants, to counter their armed attacks, to contain any negative impact and to eliminate the militants.

The actions of the Government of Uzbekistan were in compliance with existing international law, in particular Article 51 of the Charter of the United Nations.

At the request of the European Union, a delegation of experts from the Union visited Uzbekistan from 11 to 15 December 2006

Unfounded allegations made by IHF

Comments of Uzbekistan

to discuss the report on the findings of the investigation into the terrorist acts in Andijan which had been prepared by the competent Uzbek authorities. All the necessary conditions were created for productive and effective work by the experts. All European Union wishes were taken into account when the programme for the visit was drawn up. The package of information and audio and visual material provided to the experts presented a full picture of the tragic events from beginning to end, including the taking hostage of civilians and law enforcement officers and their torture and murder by the terrorists.

Allegations that the Uzbek authorities have been suppressing the activities of human rights defenders, journalists and witnesses to the murders in Andijan with the aim of reinforcing the official version of events are baseless and unfounded.

In Uzbekistan, as in all democratic countries, everyone has the right to freedom and personal safety, as set out in national law. No one may be arrested or detained except on the basis of the law.

Any person accused of a crime is considered innocent until lawfully proven guilty in an open and fair trial that affords the accused every opportunity for defence.

Following the tragic events in Andijan, detective work was carried out to identify the culprits involved in the commission of criminal offences and to elucidate all the circumstances surrounding the events.

All these actions were conducted in accordance with the law and in the interests of national security, in a manner comparable, for example, to the measures taken by the United States authorities after the events of 11 September 2001 or by the British authorities after the explosions in London in July 2005.

In Uzbekistan, the activities of NGOs are supported and guaranteed by the State. A sound legal basis for their activities has been established. The Uzbek Constitution enshrines the guarantees extended by the State to NGOs, which act as a unique bridge between the State and society.

Unfounded allegations made by IHF	*Comments of Uzbekistan*
	Currently there are over 5,000 NGOs, including international NGOs, operating in Uzbekistan. Among these are the Uzbek Committee for the Protection of the Rights of Individuals, the Uzbek branch of the international organization Human Rights Watch, the Centre for the Study of Human Rights and Humanitarian Law, the Independent Human Rights Organization of Uzbekistan, the Ezgulik Human Rights Association of Uzbekistan, the Democracy and Human Rights Institute, and others. Uzbekistan considers that civil-society institutions should serve to reinforce the ideas that have historically been characteristic of the Uzbek people, such as tolerance and harmony among peoples, religions and cultures. In Uzbekistan, however, as in most countries, the rule of law is paramount. This applies also to NGOs, if they commit egregious or deliberate breaches of their own statutes or the rules governing their activities in the territory of the Republic of Uzbekistan. When the constituent and other documents of a non-governmental organization run counter to the requirements of Uzbek law, in particular the Non-Governmental Non-Profit Organizations Act, the Voluntary Associations Act, the Political Parties Act, the Public Foundations Act or the regulations governing applications for registration of the statutes of voluntary associations operating in the territory of the Republic of Uzbekistan, that organization may be refused registration. An appeal against such a decision may be duly lodged before any of a number of courts.
3. Those few committed and courageous individuals who continue their efforts to hold the Uzbek authorities accountable for their international human rights obligations.	Mr. U. Kattabekov, Mr. N. Kholdzhigitov, Mr. S. Zainabitdinov, Mr. N. Isakov, Mr. A. Khudainazarov and other individuals referred to in the report as human rights defenders are actually criminals who have been prosecuted for specific criminal offences in accordance with the Code of Criminal Procedure. The prosecution of these individuals has absolutely nothing to do with their civic activities. All the cases considered by the courts before and since the events in Andijan have been brought on the grounds of specific violations of national law. It is

Unfounded allegations made by IHF	*Comments of Uzbekistan*
	well known that, under generally accepted standards, no one is immune from legal process in such cases.
4. Human rights defenders are routinely held under surveillance, with their movements and phone conversations being closely monitored by police and security services. They are also often prevented from moving around freely inside of the country and banned from travelling abroad.	The allegations made in this paragraph of the report are unfounded and are not borne out by the facts. Uzbekistan strictly observes article 27 of the Uzbek Constitution, which reads: "Everyone has the right to protection from attacks on his or her honour and dignity and interference in his or her private life and to the inviolability of his or her home. No one has the right to enter a home, conduct a search or inspection or violate the privacy of correspondence or telephone communications, except in the circumstances and under the procedure established by law". Uzbekistan also strictly observes article 28: "Citizens of the Republic of Uzbekistan have the right to freedom of movement throughout the territory of Uzbekistan and the right to enter and leave the Republic of Uzbekistan, except where there are restrictions established by law".
5. The authorities have sought to discredit and mobilize public sentiment against human rights defenders and their families by orchestrating media defamation campaigns and shows of alleged "spontaneous public outrage" and by accusing them of "immoral" behaviour, such as sexual harassment or organized prostitution.	The allegation made by IHF is untrue. The Uzbek State authorities have received no communications or complaints from citizens of any of the actions against them referred to in the report. It should be mentioned that, in the event of any kind of harassment, every citizen has the right to protection from attacks on his or her honour and dignity, in accordance with article 27 of the Constitution.
6. A considerable number of human rights defenders, political opposition activists and independent journalists have been convicted on apparently politically motivated charges in the aftermath of the Andijan events. The charges brought against them have ranged from fraud and blackmail to "anti-constitutional" and "extremist" activities, and there are serious concerns that they have often been ill-treated and tortured in prison in an attempt to force them to confess. While some of those imprisoned were released under a general amnesty introduced in late 2006, many others continue to serve their sentences in harsh conditions and are frequently subjected to disciplinary punishments, solitary confinement, restrictions on their communication with the outside world and physical abuse.	This allegation is at variance with reality. All the cases considered by the courts before and since the events in Andijan have been brought on the grounds of specific violations of national law, regardless of the activities or position of the accused. Under generally accepted standards, no one who has committed a criminal offence is immune from legal process. The allegations made in the report show that IHF gives preference a priori to rumours and speculation from certain politically biased sources and fails to make use of information concerning the public condemnation of torture in all its forms and the measures taken by the Government of Uzbekistan to combat

Unfounded allegations made by IHF	*Comments of Uzbekistan*

torture that has repeatedly been circulated as official documents of the United Nations.

The Government of Uzbekistan is using all available resources and making every possible effort to take consistent and tough action against all human rights violations, including torture.

In 2002, Uzbekistan — the first of the countries of the former Soviet Union to take such a step — invited the United Nations Special Rapporteur on torture, Theo van Boven, to visit the country and see the situation for himself. In March 2004, the Uzbek Government adopted its plan for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which also made provision for implementation of the recommendations of the Special Rapporteur. The relevant information on implementation of the plan was transmitted in good time to the United Nations Commission on Human Rights and, more recently, to the Human Rights Council.

Following the Special Rapporteur's visit, torture was condemned by all branches of Government in the Republic of Uzbekistan: the legislature, the executive and the judiciary. The Plenum of the Supreme Court of the Republic of Uzbekistan has taken up the issue twice, in 2003 and 2004, and condemned the use of unauthorized methods of investigation.

In 2003, appropriate amendments were made to article 235 of the Criminal Code, on the use of torture and other cruel, inhuman or degrading treatment, which is punishable by imprisonment for a term of three to eight years. The term "torture" is defined under national law in accordance with article 1 of the Convention against Torture.

In accordance with decision No. 12 of the Plenum of the Supreme Court of 24 September 2004, evidence acquired through the use of torture or other unlawful coercive acts is inadmissible.

On 17 February 2005 the Procurator-General issued order No. 40 on the radical improvement of procuratorial oversight of respect for the rights and freedoms of citizens during criminal

Unfounded allegations made by IHF	*Comments of Uzbekistan*

proceedings, which requires procurators to ensure strict compliance with the provisions of the Convention against Torture and national law in this area.

The procuratorial authorities are responsible for verifying reports of the use of torture and other unauthorized methods and taking the necessary response measures accordingly.

According to court statistics for 2005 and 2006, 19 persons were convicted for the use of torture, punished accordingly and ordered to pay compensation for material damage resulting from the crime.

Furthermore, since August 2005 the leadership of the National Security Council under the President of the Republic of Uzbekistan has been taking countrywide measures to prevent and suppress unlawful actions and abuse of official position by Uzbek law enforcement officials with respect to convicts and detainees and to ensure that such officials comply fully with criminal procedures.

Moreover, it should be noted that, in 2006 alone, the legislative chamber of Parliament held three major events in conjunction with the United Nations Development Programme (UNDP) relating to the Convention against Torture. In January 2006, Parliament conducted an exercise to check compliance with the Convention against Torture by law enforcement agencies and penal institutions in Tashkent and the Tashkent region.

In June 2006, a three-day seminar on incorporation of the Convention against Torture into the national law of the Republic of Uzbekistan was held in conjunction with UNDP, with the participation of members of Parliament, law enforcement officials, lawyers, researchers and academics.

In December 2006, the Committee on International Affairs and Interparliamentary Relations of the legislative chamber of the Oliy Majlis (Parliament) of the Republic of Uzbekistan organized a round table with UNDP on improving legislation for the

implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

There are no grounds for concern about the fate of Uzbek citizens serving sentences for the commission of specific criminal offences, since their physical and moral integrity are fully protected by the State. Their rights are fully upheld, in accordance with the provisions of Uzbek law and with the fundamental international human rights instruments, including the Universal Declaration of Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to both of which Uzbekistan is a party.

No one is persecuted for his or her religious beliefs in Uzbekistan. Under Uzbek law, everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his or her religion or belief, and freedom, either alone or in community with others, to manifest his or her religion or belief.

Conditions of detention for those held in remand units and for convicted persons in prisons meet the requirements of the Correctional Code of Uzbekistan and the United Nations Standard Minimum Rules for the Treatment of Prisoners.

The law guarantees persons sentenced to imprisonment the right to personal safety (article 11 of the Correctional Code). Furthermore, the regulations of the Central Corrections Office of the Ministry of Internal Affairs of the Republic of Uzbekistan do not provide for solitary confinement.

Uzbekistan is taking an entirely new approach to its judicial and legal system.

In the area of penal procedure, the following measures have been introduced in order to ensure the complete independence of the courts:

- Courts now specialize in criminal, civil or financial cases;

Unfounded allegations made by IHF	*Comments of Uzbekistan*

- Appeal and cassation procedures have been introduced;
- The time limits for investigation and for the detention of persons in custody have been reduced by law and strict time limits have been established for the consideration of cases by the courts;
- A democratic legal mechanism for selecting and appointing judicial staff has been established;
- A Department for the Enforcement of Court Decisions is in operation, relieving the courts of functions that do not properly belong to them;
- The adversarial principle — the equality of rights between the prosecutor and the defence lawyer — is implemented in legal proceedings;
- In accordance with a presidential decree, legal mechanisms are being developed for the transfer of authority to issue arrest warrants (habeas corpus) from the procurator's office to the courts and will come into force on 1 January 2008;
- In accordance with a presidential decree, the necessary organizational and legal conditions are being established for the full abolition of the death penalty as a form of criminal punishment as of 1 January 2008.

In the area of criminal and prison law, the classification of crimes has been entirely changed, and the category of less serious offences that do not constitute a threat to society has been substantially enlarged. As a result of this approach, in the past two and a half years alone some 5,000 people who had committed offences not constituting a major threat to society were not deprived of their liberty, and they paid material damages amounting to more than 11 billion sum.

Reconciliation as a means of administering justice has also been incorporated into legislation. The use of reconciliation has made it possible to exempt more than 40,000 people from criminal liability. More than 7,000 persons who have paid material damages amounting to more than 20,650,000,000 sum have been given non-custodial sentences.

In 2005 the number of prison sentences handed down fell by almost half in comparison with 2000.

The number of provisions for parole has been increased.

Since 1997, acts of amnesty have been regularly applied to accused and convicted persons, resulting in the release of more than 200,000 people to date.

Owing to the liberalization of criminal law, there has been a significant reduction over the past four years in the number of people serving sentences in prisons, and, in comparison with many countries in the Commonwealth of Independent States (CIS), the number of prisoners per capita has fallen by a factor of two to three.

Today, with a total of 39,000 prisoners, Uzbekistan has the smallest number of prisoners per capita among the CIS countries. In other words, the number of prisoners per 100,000 people is 158. For the purposes of comparison, the figures in the Russian Federation is 607 per 100,000 people; in Turkmenistan, 489; in Belarus, 426; in Ukraine, 360; and in Kazakhstan, 340.

The liberalization of criminal law has also affected the prison system, which is now open to international and national non-governmental organizations. Its institutions have been visited several times by delegates from the European Union, the International Committee of the Red Cross (ICRC) and the embassies of the United States of America, France, Germany, the United Kingdom, Italy, the Netherlands, the Russian Federation, the Islamic Republic of Iran, Turkey and other countries and reporters from foreign media outlets, including BBC Four, Agence France-Presse, the Associated Press, Reuters and others.

Unfounded allegations made by IHF	*Comments of Uzbekistan*
	The long-standing cooperation between ICRC and Uzbekistan testifies to the country's openness to international cooperation and its commitment to democratic values. During the period 2001-2004, ICRC representatives made 90 visits to places of detention in Uzbekistan, thereby covering virtually all such institutions in the country. The main goal of these visits was to find out about the treatment of convicts and their conditions of detention and to identify any cases of torture or other degrading treatment or punishment. The practice of independent investigation of complaints and other communications from members of the public on the use of unlawful treatment is gradually being incorporated into criminal procedure. Specifically, during the period 2004-2005, three independent investigations involving foreign experts were conducted in to deaths that generated wide public interest: the Shelkovenko case (June 2004), the Arnasai case (August 2004) and the Umarov case (January 2005). In all three cases, certain human rights organizations, international ones among them, groundlessly accused the Uzbek law enforcement agencies of responsibility for the deaths of individuals in detention and "systematic use of torture". The results of the investigations showed that the accusations were completely baseless and unsubstantiated. From this it can be concluded that such organizations frequently make use of unreliable information and that their activities, in the majority of cases, are aimed at deliberately discrediting the human rights policy of the Government of Uzbekistan.
7. The Soviet-era technique of forcibly detaining dissidents in psychiatric hospitals has been used repeatedly against human rights defenders and political activists. Women activists are particularly vulnerable to becoming victims of this form of pressure.	This allegation by IHF is unfounded. Under article 25 of the Constitution of the Republic of Uzbekistan, "everyone has the right to freedom and personal safety. No one may be arrested or detained except on the basis of the law". Under national law, an individual suffering from mental illness may not be prosecuted in a criminal case. On the basis of a

Unfounded allegations made by IHF	*Comments of Uzbekistan*
	forensic psychiatric assessment and articles 265 and 266 of the Code of Criminal Procedure of the Republic of Uzbekistan, the courts may decide to apply to such persons coercive measures of a medical nature.
8. Relatives of human rights defenders have also been targeted in an attempt to put pressure on human rights activists to stop speaking out about human rights violations. They have, inter alia, been threatened, dismissed from their jobs, beaten, arrested, and prosecuted and imprisoned on fabricated criminal charges.	This allegation by IHF is unfounded. The Uzbek law enforcement agencies and judicial authorities have not received any communications or complaints from citizens of Uzbekistan regarding persecution, beatings, unlawful accusations or arrests, arbitrary detention, dismissal from jobs, etc. The Court Appeals (Acts and Decisions Violating Citizens' Rights and Freedoms) Act establishes guarantees of the protection of the rights of the individual in the event of unlawful acts by executive authorities. In the light of the Vienna Declaration recommendations and the Paris Principles, completely new bodies, known as national institutions for human rights protection, have been established within the legislative and executive branches in Uzbekistan. These include the Parliamentary Ombudsman, the National human rights centre and the Institute for Monitoring Current Legislation. The Ombudsman considers complaints about acts and omissions by organizations or officials which violate the rights, freedoms and legal interests of citizens, and has the right to carry out his or her own investigations. This practice is indicative of the upward trend in the number of communications from citizens to the Office of the Human Rights Commissioner. During the period 1995-1999, 9,880 communications and complaints from citizens were received for consideration by the Ombudsman; during the period 2000-2005, the figure was around 30,000. In order to ensure broader public participation in protecting the rights and interests of citizens and to increase public awareness of the activities of the Ombudsman, representatives of the Human

Unfounded allegations made by IHF	*Comments of Uzbekistan*
	Rights Commissioner are active in the regions. Expert groups have now been formed within the regional offices of the Ombudsman.
9. IHF calls on the European Union and the rest of the international community to approach the Government of Uzbekistan about the situation of human rights defenders as a matter of priority and to take urgent, coordinated and sustained action to put pressure on the Uzbek Government to end its persecution of those engaged in legitimate activities to promote respect for international human rights standards. The repression of human rights defenders and other opponents of the regime should be systematically raised in European Union dialogues with the Uzbek Government and any further weakening or lifting of the Union's sanctions imposed on Uzbekistan in late 2005 should be made conditional on concrete progress with respect to the opportunities of human rights activists to carry out their work.	Uzbekistan has an interest in the development and strengthening of relations with the European Union at all levels of interaction, on the basis of the principles of equitable cooperation and non-interference in internal affairs. The development of relations between the European Union and Uzbekistan is clearly in the interests of Uzbekistan and the member States of the Union. Any cooperation should be based on the "two-way street" principle. The "language of sanctions and resolutions" is not conducive to the establishment of a constructive partnership. However, in recent years, a number of countries, exploiting the human rights agenda, have made active use of the subsidiary bodies and specialized agencies of the United Nations, including the Human Rights Council, to exert political pressure on Uzbekistan. Using the legal mechanisms and special procedures of the United Nations, these countries groundlessly accuse the Uzbek Government of human rights violations.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
1. Address the persecution of human rights defenders and other pressing human rights concerns as a matter of priority in interactions with Uzbekistan, making clear to the Uzbek Government that its human rights policies and practices will continue to have implications for mutual relations.	Uzbekistan considers that attempts to politicize the topic of human rights and apply double standards to independent States are absolutely unacceptable. The use of human rights issues as a pretext to interfere in the internal affairs of States is aimed at undermining the existing system of international relations and constitutes a disregard for the fundamental norms of international law and the principles of the Charter of the United Nations. Uzbekistan has an interest in the development and strengthening of relations with the European Union at all levels of interaction, on the basis of the principles of equitable cooperation and non-interference in internal affairs. Any cooperation should be based on the "two-way street" principle. The "language of

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
	sanctions and resolutions" is not conducive to the establishment of a constructive partnership.
2. Raise human rights issues as an essential and integral part of all political discussions conducted with the Uzbek Government and ensure that such issues are not relegated solely to the planned dialogue between the European Union and Uzbekistan on human rights, which also must not be allowed to become an excuse for watering down the European Union sanctions against Uzbekistan currently in place.	Since the first days of independence, the Government of the Republic of Uzbekistan has proclaimed its commitment to human rights and principles of State sovereignty, affirmed its loyalty to the ideals of democracy and social justice, recognized the primacy of universally accepted norms of international law, striven to ensure a life of dignity for Uzbek citizens and aimed to create a humane, democratic State based on the rule of law and to ensure civil peace and national harmony. Using all the resources and capabilities available to it, the Government of Uzbekistan is working consistently and systematically to implement the ligations it has undertaken in the framework of both international and regional organizations.
3. As a minimum, retain the sanctions imposed on Uzbekistan in late 2005 beyond the period currently foreseen and, preferably, strengthen the sanctions so as to extend the ban on travel to the European Union to Uzbek President Islam Karimov and other top Government officials and to impose European Union-wide measures to freeze the assets of all the officials on the visa ban list (as recommended by the European Parliament in its resolution on Uzbekistan adopted on 26 October 2006).	At the present time, when dialogue between Uzbekistan and the European Union on all bilateral cooperation issues, including human rights, has been established and is progressing successfully, such statements by IHF seem provocative, to say the least. Uzbekistan believes that its cooperation with the European Union should be based on the "two-way street" principle, and that the "language of sanctions and resolutions" is not conducive to the establishment of a constructive partnership.
4. Make any weakening or lifting of the sanctions conditional on concrete human rights progress in the light of the criteria spelled out in the initial sanctions decision adopted by the EU Council on 3 October 2005, and formulate and pursue specific benchmarks to this end.	Since the first days of independence, Uzbekistan has of its own volition been implementing a targeted policy to revive the spiritual, intellectual and legal values of the people and has been making efforts to implement democratic reforms in the economic, political and social spheres. It has developed its own path of State reform and its own model for the transition from an authoritarian regime to a democratic society, and has identified specific areas of activity with regard to the protection and promotion of human rights. The Constitution enshrines the primacy of human rights and the rule of law in all spheres of civic life in Uzbekistan and the precedence of the universally recognized principles and norms of international law over national legislation.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
	The Uzbek Government abides by the principle of the supremacy of human interests and does all in its power to uphold the universally recognized rights and freedoms of its citizens.
The European Union should in particular demand that the Uzbek Government:	The recommendation of IHF is groundless, for the reasons set out below.
(a) End the ongoing crackdown on human rights defenders, political opponents, independent journalists and others involved in legitimate activities to hold the Uzbek authorities accountable for their international human rights obligations, and also end such action against their relatives	In Uzbekistan, as in all democratic countries, everyone has the right to freedom and personal safety, as set out in national law. No one may be arrested or detained except on the basis of the law. However, there are certain people who, having committed crimes, exploit the human rights agenda and falsely call themselves "human rights defenders" in order to pursue their own mercenary goals and deliberately distort the actual situation in the country. Not only are such individuals indifferent to people's needs, but they also discredit the very concept of human rights defenders and hide behind that title.
(b) Promptly release all activists and their relatives who have been imprisoned or forcibly detained in psychiatric institutions on politically motivated grounds	In certain political circles, attempts are being made to create the impression within the international community that human rights violations are being committed in Uzbekistan. Those involved use the tactic of claiming that persons charged with criminal offences are in fact suffering persecution by the authorities because of their political convictions.
(c) Allow local and international NGOs to operate without government interference and undue restrictions, including by ensuring that all NGOs can obtain registration or re-registration through an uncomplicated and transparent process and revoking the ban on the activities of unregistered groups	In Uzbekistan, the activities of NGOs are supported and guaranteed by the State. A sound legal basis for their activities has been established. The Uzbek Constitution enshrines the guarantees extended by the State to NGOs, which act as a unique bridge between the State and society. Currently there are over 5,000 NGOs, including international NGOs, operating in Uzbekistan. Among these are the Uzbek Committee for the Protection of the Rights of Individuals, the Uzbek branch of the international organization Human Rights Watch, the Centre for the Study of Human Rights and Humanitarian Law, the Independent Human Rights Organization of Uzbekistan, the Ezgulik Human Rights Association of Uzbekistan, the Democracy and Human Rights Institute, and others.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
	Uzbekistan considers that civil-society institutions should serve to reinforce the ideas that have historically been characteristic of the Uzbek people, such as tolerance and harmony among peoples, religions and cultures. In Uzbekistan, however, as in most countries, the rule of law is paramount. This applies also to non-governmental organizations, if they commit egregious or deliberate breaches of their own statutes or the rules governing their activities in the territory of the Republic of Uzbekistan. When the constituent and other documents of a non-governmental organization run counter to the requirements of Uzbek law, in particular the Non-Governmental Non-Profit Organizations Act, the Voluntary Associations Act, the Political Parties Act, the Public Foundations Act or the regulations governing applications for registration of the statutes of voluntary associations operating in the territory of the Republic of Uzbekistan, that organization may be refused registration. An appeal against such a decision may be duly lodged before any of a number of courts.
(d) Grant immediate access to United Nations special representatives who have requested to visit the country, including the Special Representative of the Secretary-General on human rights defenders and the independent expert on the situation of human rights in Uzbekistan appointed under the 1503 procedure.	Uzbekistan cooperates fully with United Nations special procedures, in accordance with their constituent instruments, which call upon the Governments of States Members of the United Nations to cooperate with the special procedures, to assist them in the performance of their tasks and to furnish any information requested. In 2002, Uzbekistan became the first CIS country to invite the Special Rapporteur on torture to visit. Expressing its willingness to cooperate with the special procedures, in accordance with their constituent instruments, Uzbekistan regularly provides exhaustive information on the human rights situation in Uzbekistan and responds to all communications that it receives from the special procedures.
5. Actively implement the European Union Guidelines on Human Rights Defenders in relation to Uzbekistan and increase political, moral, financial and other forms of support to human rights defenders in the country. European Union member States should, inter alia, maintain close contact with human rights groups,	Uzbekistan strictly abides by its obligations under the major international human rights instruments. Its Parliament has adopted over 300 laws on civil, political, economic, social and cultural rights, which fully implement the universally recognized principles and norms of international human rights law.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
provide visible recognition to human rights activists, raise individual cases of persecution of human rights defenders and address relevant démarches to the Uzbek Government on this issue.	Even the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms clearly states that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State. Furthermore, pursuant to the aforementioned Declaration, domestic law is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.
6. Work closely together with international and local NGOs to elaborate and implement strategies for responding to the situation of human rights defenders in the country and to provide concrete assistance to defenders at risk, such as legal and medical assistance and evacuation, safe relocation and temporary residence in emergency cases.	Uzbekistan is pursuing a policy of social partnership to promote the gradual development of civil-society institutions. As a result, non-governmental non-profit organizations are rapidly developing and participating in the decision-making process, thereby playing a vital role in the democratization of society. The non-governmental non-profit organizations working in the field of human rights in Uzbekistan include the Uzbek Committee for the Protection of the Rights of Individuals, the Uzbek branch of the international organization Human Rights Watch, the Centre for the Study of Human Rights and Humanitarian Law, the Independent Human Rights Organization of Uzbekistan, the Ezgulik Human Rights Association of Uzbekistan, the Democracy and Human Rights Institute, the Bar Association, the Judges' Association, the Centre for the Study of Public Opinion and the Centre for the Support of Independent Candidates.
7. Continue to insist that an independent international investigation be undertaken into the Andijan events and support the use of the Moscow mechanism of OSCE as a complementary tool to clarify these events as well as subsequent developments in Uzbekistan.	This recommendation of IHF is unlawful. In accordance with the norms of international law, international investigations are carried out only when the State itself requests such an investigation, on the grounds that its own authorities lack the competence to conduct one, or in the event of the collapse of the State, or if the situation which has arisen directly affects the maintenance of international peace and security.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
	Uzbekistan prepared a report setting out the findings of the investigation into the terrorist acts in Andijan, which was sent to the relevant European entities in mid-August 2006. Specifically, it was sent to the foreign ministries of Finland (then President of the European Union), Germany (next President of the European Union) and Belgium (then holder of the OSCE Chairmanship). From 11 to 15 December 2006, a delegation of European Union experts visited Uzbekistan, primarily for the purpose of discussing the report. Meetings were organized at the Office of the Procurator-General, during which the European experts were shown the entire body of evidence on the terrorist acts. In addition, meetings were held with convicted persons and lawyers, and the scene of the events in Andijan was visited. As a result of the visit, the European Union delegation came to the clear conclusion that in Andijan a serious, premeditated and carefully planned armed attack had been made against the Uzbek Government. It was also noted that, in their reports on the events, human rights organizations had focused mainly on the aftermath of the terrorist acts and less on the assault by the militants.
8. Use the mechanisms available under the United Nations Human Rights Council to press for public scrutiny by the Council of the situation in Uzbekistan instead of using the confidential 1503 procedure.	The Uzbek Government abides by the principle of the supremacy of human interests and does all in its power to uphold the universally recognized rights and freedoms of its citizens. A dynamic and constructive dialogue on human rights issues is under way with United Nations institutions and with other international, intergovernmental and non-governmental organizations. Uzbekistan attaches great importance to international cooperation on the protection and promotion of human rights. At the same time, it considers that attempts to politicize the topic of human rights and apply double standards to certain States Members of the United Nations are absolutely unacceptable. The use of human rights issues as a pretext to interfere in the internal affairs of States is aimed at undermining the existing system of international relations and constitutes a disregard for the fundamental norms of international law and the principles of the Charter of the United Nations.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
	This is precisely how we may view the attempts by several States to use United Nations mechanisms, including the Human Rights Council, and the human rights agenda to exert political pressure on sovereign States, thus undermining the authority of the Organization, whose mission it is to uphold the ideals of equality, justice and peace. Uzbekistan believes that discussions of human rights issues should be conducted on the basis of equality and respect and should serve to bring countries together and foster constructive cooperation on humanitarian affairs, with due consideration of regional characteristics and the ethnic, cultural, religious and historical traditions of States. Considering the foregoing, and given the substantial efforts being made by the Uzbek Government to protect and promote human rights in Uzbekistan and to foster international cooperation in this area, Uzbekistan sees no grounds for scrutiny of the country's human rights situation and calls for an end to discussion of the issue within the framework of the Human Rights Council.

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Promotion and protection of human rights

Measures to eliminate international terrorism

Letter dated 14 March 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to inform you once again, as we have been reporting since the year 2002, that the United States authorities have continued systematically to inflict cruel, inhuman and degrading treatment on René González, Gerardo Hernández, Ramón Labañino, Fernando González and Antonio Guerrero, who are serving lengthy and unjust sentences in that country amounting in total to four life sentences plus 77 years' imprisonment.

As we have had the honour to inform you previously in letters dated 4 June 2002 (A/56/969), 30 August 2002 (A/56/1031), 29 October 2002 (A/57/594), 16 January 2004 (A/58/685) and 15 March 2005 (A/59/738), neither the process of appealing these sentences nor the difficulties faced by the family members of these prisoners seeking to visit them have been resolved.

Following our letter of 15 March 2005, the United States Government again denied entry visas to the United States to Olga Salanueva, wife of René González, and Adriana Pérez, wife of Gerardo Hernández. Just as in the past, the denial was based on unfounded arguments, signalling that the decision was still being made arbitrarily.

In October 2005, the United States Government denied an entry visa to Adriana Pérez, invoking on that occasion section 214 (b) of the Immigration and Nationality Act. The United States authorities alleged that Ms. Adriana Pérez might try to become an immigrant.

In October 2006, for the seventh time in the past six years, the United States Government refused Adriana Pérez permission to enter its territory, by virtue of section 212 (f) of the Immigration and Nationality Act. On that occasion, the concern that Adriana Pérez might become an illegal immigrant was not mentioned; instead the United States authorities invoked the clause that they use to deny entry visas to officials of the Government of Cuba, namely, that their visits might be detrimental to the interests of the United States.

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In November 2005 the United States Government denied an entry visa to Olga Salanueva, invoking section 212 (a) (9) (A) (ii) relating to persons who have been deported. On that occasion the authorities at the American Interests Section in Cuba told Ms. Salanueva that she should not request a visa again since it would not be granted.

It is revealing that in its six previous negative responses to Olga Salanueva the United States Government did not invoke this clause relating to deportees, doing so only just at the time when five years were elapsing since her deportation (November 2000), which is precisely the period of time that United States law stipulates must elapse before a deportee may once again request an entry visa to that country.

In our letter of March 2005 (A/59/738) we referred to the previous visa denials in April, July and September 2002, April and October 2003, April 2004, and January and February 2005, to which should be added those of October 2005 and October 2006 that are described in this letter. For each of these denials the Government of the United States of America cited a different reason. Olga Salanueva and Adriana Pérez have been characterized as terrorists or potential immigrants or intelligence agents, saboteurs, or persons who might seek to overthrow the United States Government by force, violence or other unlawful means, as can be inferred from the wording of the sections of the Immigration and Nationality Act invoked to justify the rejection of their visa applications.

As we noted in our previous letter, Ms. Salanueva resided legally in the United States for two years and two months following the arrest of René González, which had taken place in her home and in her presence. During that time, there was no indication that she was linked with the charges subsequently brought against her husband, and she was not accused of or charged with any federal offence. Had it been thought necessary, two years and two months would have been sufficient time for the United States Government to bring charges against her.

Refusing to grant her a visa on the grounds of presumed intelligence activity is an absurd argument, especially since René González was not accused of espionage or of any of the other grounds mentioned in section 212.

In the case of Adriana Pérez, if it had any solid evidence, the United States Government could have taken action against her in July 2002 when officials arbitrarily held her for 11 hours at the airport in Houston, Texas. On that occasion they revoked her visa and prevented her entry into the United States, which was for the sole purpose of visiting her husband in prison.

The United States Government does not have, nor could it have, any evidence or information to support the assumption that the presence of Ms. Pérez within the United States could be detrimental to that country's interests. Her name does not appear on the indictments brought against her husband, Gerardo Hernández, or any of his four comrades.

There is no conceivable justification for denying visas to Olga Salanueva and Adriana Pérez when there are many rules and principles of international law, and of United States law as well, that require the United States Government to facilitate their visits to their husbands held in United States prisons.

The continued denial of visas, in addition to being a violation of their human rights — the rights of the women and the rights of their husbands and family

members — is tantamount to continued disregard for the many instruments of international law that set forth clearly the rights of prisoners to receive visits from family members and the obligation of Governments to facilitate such visits.

For other family members, the United States Government has also continued to delay unnecessarily the granting of entry permits, with the result that the majority of relatives have been able to visit, on average, only once a year, even though the rules of the various prisons would have allowed more frequent visits, had it not been for the difficulty in obtaining a visa.

Given the humanitarian nature of these visits and the United States Government's moral and legal obligation to facilitate them, compounded by the amount of time that has passed since the arrest of these prisoners in September 1998, the United States Government should grant the visas, which it has thus far repeatedly denied, to Olga Salanueva and Adriana Pérez and provide for the issuance of entry permits to the remaining family members within the established minimum time limits.

It should be noted also that the Working Group on Arbitrary Detention of the United Nations, in its opinion No. 19/2005 issued on 27 May 2005, concluded that "the deprivation of liberty of Mr. Antonio Guerrero Rodríguez, Mr. Fernando González Llort, Mr. Gerardo Hernández Nordelo, Mr. Ramón Labañino Salazar and Mr. René González Sehwerert is arbitrary, being in contravention of article 14 of the International Covenant on Civil and Political Rights".

The United Nations should not stand idly by while flagrant human rights violations are being committed against these Cuban families by the Government of the United States of America.

I should be grateful if you would circulate this letter as a document of the General Assembly under agenda items 67 and 100.

(*Signed*) Rodrigo **Malmierca Díaz**
Ambassador
Permanent Representative

United Nations A/61/809 S/2007/155

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The situation in the Middle East

Security Council
Sixty-second year

Identical letters dated 19 March 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and to the President of the Security Council

On the instructions of my Government, I transmit to you herewith a statistical summary of Israeli violations between 8 and 14 March 2007 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-first session of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

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Annex to the identical letters dated 19 March 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Re: Israeli violations, acts of aggression and activities from 8 to 14 March 2007, inclusive

Air violations

On 8 March 2007, seven enemy Israeli reconnaissance aircraft violated Lebanese airspace and circled over regions of the South, the Shuf and the Bekaa as follows:

At 0751 hours, an aircraft violated Lebanese airspace over the sea off Tyre, headed east as far as the Shuf, and departed Lebanese airspace at 1055 hours over al-Naqurah. At 0803 hours, an aircraft violated Lebanese airspace over the sea off Tyre and departed Lebanese airspace at 1212 hours over al-Naqurah. At 0809 hours, an aircraft violated Lebanese airspace over the sea off Sidon, headed towards the Bekaa, and departed Lebanese airspace at 1410 hours over Rumaysh. At 1200 hours, an aircraft violated Lebanese airspace over the sea off Bayada and departed Lebanese airspace at 1510 hours over Bint Jubayl. At 1350 hours, an aircraft violated Lebanese airspace over the sea off Tyre and departed Lebanese airspace at 1605 hours over the sea off al-Naqurah. At 1830 hours, an aircraft violated Lebanese airspace over the sea off Tyre and departed Lebanese airspace at 2135 hours over al-Naqurah. At 1840 hours, an aircraft violated Lebanese airspace over al-Naqurah and departed Lebanese airspace at 2140 hours over 'Alma al-Sha'b.

On the same date, between 1015 hours and 1110 hours, Israeli warplanes overflew the occupied Shab'a farmlands and Kafr Shuba.

On the same date, between 1415 hours and 1435 hours, two enemy Israeli warplanes violated Lebanese airspace over 'Alma al-Sha'b in a northerly direction as far as across from Shikka. They headed east as far as the Danniyah area, and then headed south. They departed Lebanese airspace at 1435 hours over Bint Jubayl.

On 9 March 2007 between 1003 hours and 1405 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off al-Naqurah in an easterly direction and circled over the South. It then departed Lebanese airspace over al-Naqurah.

On the same date, between 1830 hours and 1930 hours, an enemy Israeli Bombardier spy aircraft overflew the town of Nabi Shit.

On the same date, between 1843 hours and 2200 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off al-Naqurah in an easterly direction and circled over regions of the South. It then departed Lebanese airspace over al-Naqurah.

On 10 March 2007, between 1830 hours and 2200 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace and circled over the sea between the South and al-Damur. It then departed Lebanese airspace over 'Alma al-Sha'b.

On 11 March 2007, between 1750 hours and 2040 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre in an easterly direction and circled over the southern regions. It then departed Lebanese airspace over ʿAlma al-Shaʿb.

On the same date, between 2030 hours and 2125 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off al-Naqurah and circled over the southern regions. It then departed Lebanese airspace over Rumaysh.

On 12 March 2007, between 1245 hours and 1545 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off the city of Tyre in an easterly direction and circled over the South. It then departed Lebanese airspace over Rumaysh.

On the same date, between 1530 hours and 1835 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off al-Naqurah in an easterly direction and circled over the South. It then departed Lebanese airspace over Rumaysh.

On the same date, between 1818 hours and 1915 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off al-Naqurah and circled over the South. It then departed Lebanese airspace over ʿAlma al-Shaʿb.

On 13 March 2007, between 1800 hours and 2045 hours, an enemy Israeli balloon was spotted at low altitude over the Baalbek area.

Sea violations

On 8 March 2007, between 2055 hours and 2200 hours, an enemy Israeli military launch fired two flare shells in the open sea off al-Naqurah.

On 9 March 2007, between 1815 hours and 1950 hours, in the open sea, an enemy Israeli military launch fired two flare bombs over regional waters off Raʾs al-Naqurah.

Field violations

On 12 March 2007, at 1039 hours, an enemy Israeli military vehicle positioned itself near the crossing on the Kafr Kila-ʿAdaysah road. A long pole fitted with cameras and electronic surveillance equipment was projected from it. Then two personnel emerged, one of whom began photographing the Lebanese Army observation post (*lam mim* 10) located near the crossing, as well as photographing the entire Lebanese sector opposite. The vehicle then departed at 1110 hours.

On the same date, at 2120 hours, an enemy Israeli vehicle began shining searchlights in the direction of the Army position at al-Wazzani, and in the direction of the Wazzani river course and Hamamis hill.

Israeli activities

On 8 March 2007, between 0910 hours and 1010 hours, enemy Israeli forces fired medium machine guns from their Ramta and Sammaqah positions inside the occupied Shabʿa farmlands in the direction of the area surrounding the positions. At 1115 hours, the sound of three explosions was heard inside the occupied Shabʿa farmlands.

On the same date, between 1500 hours and 1700 hours, enemy Israeli forces fired light weapons in the Malikiyah settlement (opposite the town of 'Aytarun).

On the same date, between 2115 hours and 2230 hours, enemy Israeli helicopters overflew the occupied Shab'a farmlands.

On the same date, at 2230 hours, enemy Israeli forces fired a flare bomb from their Radar position (inside the occupied Shab'a farmlands) over the area surrounding said position.

On 9 March 2007, between 1400 hours and 1415 hours, enemy Israeli forces intermittently strafed the area around their Sammaqah position (inside the occupied Shab'a farmlands) with medium-machine-gun fire.

On the same date, at 0945 hours, in the Israeli enemy's Hadb outpost (opposite the town of 'Ayta al-Sha'b), a camera attached to a moving pole was placed on a vehicle in the woods near said outpost.

On 11 March 2007, between 1400 hours and 1645 hours, enemy Israeli forces fired light machine guns from their position inside occupied Palestinian territory (opposite al-Labunah) in the direction of the area surrounding their W-404 communications position.

On 12 March 2007, between 1045 hours and 1145 hours, enemy Israeli forces fired light machine guns from their position inside occupied Palestinian territory (opposite al-Labunah) in the direction of the area surrounding their W-404 communications post.

On the same date, at 1610 hours, the Israeli enemy began to fire light weapons from its positions opposite Balida all the way to Hula.

On the same date, at 2230 hours, enemy Israeli forces fired five flare shells over the Blue Line next to occupied Palestinian territory (opposite Yarun).

On the same date, at 2012 hours, the Israeli enemy fired three flare shells east of Jabal al-Tayyarat (south of Yarun) and dropped [flare] bombs inside occupied Palestinian territory.

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Programme budget for the biennium 2006-2007

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Strengthening of the Office of Internal Oversight Services

Funding arrangements

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 61/245, in which the Assembly endorsed the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report on the comprehensive review of governance and oversight within the United Nations and its funds, programmes and specialized agencies (A/61/605). In paragraph 81 of that report, the Committee recommended that the Secretary-General be requested to prepare a proposal for revised funding arrangements for the Office of Internal Oversight Services (OIOS), drawing upon experience gained on cost-sharing mechanisms currently in place.

In accordance with that recommendation of the Advisory Committee, the present document sets out revised funding arrangements for OIOS. Under the revised arrangements, several sources of funding, including: the regular budget, the peacekeeping support account, the budgets for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, the capital master plan budget and centrally administered extrabudgetary programme support accounts, will be consolidated under a gross budget that would be apportioned to the respective funds on a net basis. However, other sources of extrabudgetary funding from the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Environment Programme (UNEP), the United Nations Office on Drugs and Crime, the United Nations Human Settlements Programme (UN-Habitat),

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the International Trade Centre UNCTAD/WTO, the United Nations Framework on Climate Change and the United Nations Joint Staff Pension Fund cannot be apportioned under applicable decentralized administrative arrangements and would be separately treated and presented within the budget document as extrabudgetary to the gross consolidated budget. It is also proposed that, within the context of the biennial resolution on unforeseen and extraordinary expenditures, authority be provided to enter into commitments not to exceed a total of 8 million United States dollars in any one year of the biennium to meet unforeseen expenses for oversight services as the Under-Secretary-General for Internal Oversight Services certifies relate to emerging risks, in particular those related to audits and investigations.

I. Introduction

1. The General Assembly, in paragraph 164 of its resolution 60/1, recognized the urgent need to substantially improve the United Nations oversight and management processes and emphasized the importance of ensuring the operational independence of the Office of Internal Oversight Services (OIOS). In the same paragraph, the Assembly decided that the expertise, capacity and resources of the Office in respect of audit and investigations should be significantly strengthened as a matter of urgency and recognized that additional measures were needed to enhance the independence of the oversight structures. The Assembly also requested the Secretary-General to submit an independent external evaluation of the auditing and oversight system of the United Nations.

2. Pursuant to the above, a number of reports have been submitted to the General Assembly, including the report of the Secretary-General on the comprehensive review of governance and oversight within the United Nations and its funds, programmes and specialized agencies (A/60/883, Add.1, Add.1/Corr.1 and Add.2), the report of the Office of Internal Oversight Services on proposals for strengthening the Office of Internal Oversight Services (A/60/901) and the report of the Secretary-General on strengthening of the Office of Internal Oversight Services, including revised estimates to the programme budget for the biennium 2006-2007 (A/61/610). By its resolution 61/245, the General Assembly endorsed the conclusions and recommendations of the Advisory Committee contained in its report on the comprehensive review of governance and oversight within the United Nations and its funds, programmes and specialized agencies (A/61/605). In paragraph 81 of that report, the Committee recommended that the Secretary-General be requested to prepare a proposal drawing upon experience gained on cost-sharing mechanisms currently in place. Pursuant to that recommendation, the present document has been prepared in consultation with OIOS.

II. Independence, risk assessment and strategy

3. The General Assembly, by its resolution 48/218 B, established OIOS and set out its mode of operation, namely: that the Office should exercise operational independence under the authority of the Secretary-General in the conduct of its duties and, in accordance with Article 97 of the Charter of the United Nations, should have the authority to initiate, carry out and report on any action which it considered necessary to fulfil its responsibilities with regard to monitoring, internal audit, inspection and evaluation and investigations. The issue of independence of OIOS has been addressed in the context of the comprehensive review of governance and oversight within the United Nations and its funds, programmes and specialized agencies (A/61/605), the report of OIOS on proposals for its strengthening (A/60/901) and the quality assurance review of the Internal Audit Division of OIOS. Relevant portions of those reviews are summarized below.

A. Comprehensive review of governance and oversight within the United Nations and its funds, programmes and specialized agencies

4. Principles related to the issue of independence are addressed in the report of the Steering Committee on the Comprehensive Review of Governance and Oversight within the United Nations and its Funds, Programmes and Specialized Agencies (A/60/883/Add.2, vol. V, sect. 5.5.1). The Institute of Internal Auditors (IIA) International Standards for the Professional Practice of Internal Auditing (the IIA Standards) states that the internal audit activity should be independent and that internal auditors should be objective in performing their work. Furthermore, the International Standards define the independence of the internal audit activity as comprising two elements: (a) the chief audit executive should report to a level within the organization that allows the internal audit activity to fulfil its responsibilities, and (b) the internal audit activity should be free from interference in determining the scope of internal auditing, performing work and communicating results. The report of the Steering Committee makes the observation that, fundamentally, operational independence is not based on rules or mandates but on the degree to which the oversight function is free to identify the resources it requires, deploy those resources where it sees fit and report as it sees fit.

5. The report of the Steering Committee also makes the observation that the current funding structure for OIOS limits its ability to determine where resources will be deployed and, hence, limits the scope of its decisions. As a result, resources cannot be allocated to areas of emerging risk on the basis of the Office's assessment of risk and changes in risk cannot always be responded to without the Office having to renegotiate individual agreements or wait for the next biennium budget process (A/60/883/Add.2, vol. V, sect. 5.5.1, observations, para. 47.2).

B. Report of the Office of Internal Oversight Services on proposals for strengthening the Office of Internal Oversight Services

6. In the report of OIOS on proposals for its strengthening (A/60/901), the Office pointed out that the main obstacle to independence as established by the General Assembly is the funding arrangement for its operations. There are two main issues that need urgent resolution with regard to the budgeting for OIOS. The first is that the OIOS budget is currently subject to review by the Department of Management, over which OIOS has oversight responsibility. Secondly, OIOS has to negotiate funding for almost two thirds of its budget with the very same entities for which it performs oversight functions. This situation is further complicated by the restriction on the use of resources funded by one entity to undertake oversight assignments for another entity. The conditions described above infringe on the Office's ability to fully adopt a risk-based approach to the allocation of oversight resources.

C. Quality assurance review of the Internal Audit Division of the Office of Internal Oversight Services

7. A quality assurance review of the Office of Internal Oversight Services Internal Audit Division was conducted in November 2006. In the review, the need

for a single source of funding was emphasized and it was pointed out that the lack of such a funding mechanism has a negative impact on the independence of the internal audit activity because the funding condition allows the auditee to influence, if not control, the audit process and scope. The review also highlighted that, at the internal audit activity level, the situation restricts the deployment of audit resources to where the risk is perceived to be highest and most needed at any given point in time. Higher risk areas may not receive the audit coverage needed whereas other areas may be over-audited, resulting in an inefficient and ineffective use of scarce resources.

8. The review noted that best practice corporate governance requires that the internal audit activity independently assess the key risks and determine the resources needed to provide senior management and independent oversight bodies with the level of assurance they demand. To that end, resources are approved and the internal audit activity is authorized to work towards providing such assurance. There is an understanding that the risk profile will change over time and that the internal audit activity will have full authority to redeploy resources accordingly. Independent oversight bodies will require that the internal audit activity account for the use of resources and for any redeployment of resources. The review recommended that reliance on multiple sources for funding be reduced and that funding be provided based on a thorough risk-based audit planning approach.

III. Revised funding arrangements

9. In order to address the issues highlighted, revised funding arrangements are proposed whereby: OIOS would be responsible for establishing a risk-based workplan and the associated budget; the Independent Audit Advisory Committee would be responsible for challenging the rationale for the workplan and budget and formulating related advice regarding the approval of the budget; and the Department of Management would be responsible for recommendations related to the apportionment of resources, to be assessed and/or centrally administered, to the entities which are covered by the workplan and related budget.

A. Risk assessment

10. Within the above framework, and to comply with the IIA Standards, OIOS has committed itself to implementing risk-based work planning (see annex I). Further to the report of the Secretary-General on the updated terms of reference for the Independent Audit Advisory Committee (A/60/846/Add.7), an additional report will be issued setting out revised terms of reference for the Independent Committee, as requested by the General Assembly in paragraph 3 of its resolution 61/245. With regard to risk-based planning, Performance Standard 2010, "Planning", of the IIA Standards state that the chief audit executive should establish risk-based plans to determine the priorities of the internal audit activity, consistent with the organization's goals. Practice Advisory 2010-2 of the IIA Standards interprets Standard 2010 as follows:

(a) The organization's risk strategy should be reflected in the design of the internal audit activity's audit plan;

(b) The internal audit activity's audit plan should be designed based on an assessment of risk and exposures that may affect the organization. Ultimately, key audit objectives are to provide management with information to mitigate the negative consequences associated with accomplishing the organization's objectives, as well as an assessment of the effectiveness of management's risk management activities;

(c) It is advisable to assess the audit universe on at least an annual basis to reflect the most current strategies and direction of the organization. In some situations, audit plans may need to be updated frequently (i.e. quarterly) in response to changes in the organization's environment of management activities;

(d) Audit work schedules should be based on, among other factors, an assessment of risk priority and exposure. Prioritization is needed to make decisions for applying relative resources based on the significance of risk and exposure.

11. In accordance with the above, OIOS would carry out risk assessments to develop a detailed workplan. Risk assessments will be conducted at the department/entity level, led by OIOS and with the involvement of key staff in the department/entity. It is proposed that a budget be developed by OIOS and be submitted, together with the related workplan, to the Independent Audit Advisory Committee for its review in accordance with its terms of reference as approved by the General Assembly. In addition to ensuring that oversight resources are prioritized for high-risk areas, the risk-based approach also provides the Independent Audit Advisory Committee, and ultimately the General Assembly, with a basis for determining the level of risks they are willing to accept for the Organization.

B. Budget

12. The formulation of a budget for OIOS based on risk assessment will be a mid- to long-term goal, and in the interim the current level of funding will represent core resources. Any requests for additional resources will be justified on a risk basis. The only exception being requests for resources associated with proposals for strengthening the Office's operations. It is proposed that the budget would be prepared on a gross basis[1] and would cover and consolidate the requirements currently funded under the regular budget, as well as the budgets of the peacekeeping support account, the international tribunals, the capital master plan and centrally administered extrabudgetary programme support accounts. Consistent with the practice now followed for jointly financed activities, the related individual sources of funding would include provisions budgeted on a net basis[2] to cover the respective shares to be borne.

13. The above arrangements would consolidate a significant portion of the resources of OIOS under the gross budget. However, some portion of OIOS resources would still be considered as extrabudgetary to the gross budget, and

[1] The budget prepared on gross basis (the gross budget) would combine requirements previously separately budgeted into a single consolidated budget, which would be justified and detailed in that context.

[2] A provision budgeted on a net basis would be included in each of the related budgets consisting of the contribution to cover the related share of the gross budget.

would be subject to separate administrative arrangements under the existing practice. These consist of sources of funding that are subject to specialized intergovernmental body review and/or separate administrative arrangements, covering non-assessed resources provided through funding arrangements with the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Environment Programme (UNEP), the United Nations Office on Drugs and Crime, the United Nations Human Settlements Programme (UN-Habitat), the International Trade Centre UNCTAD/WTO, the United Nations Framework on Climate Change and the United Nations Joint Staff Pension Fund. While it is expected that such other resources would decrease over time, in line with efforts to reduce reliance on extrabudgetary resources, no practical solution has been identified at this stage to entirely eliminate these separate funding arrangements. Should such requirements be included in the gross budget, a number of practical difficulties arise. The level of resources would need to be known at the time of budget preparation. Funding levels would be integrally linked to the risk assessment process and, where applicable, to related governing body review, thereby resulting in a fundamentally different basis for identifying requirements than that used for other jointly financed activities. Therefore, it is proposed that in those instances the practice of establishing separate funding arrangements between OIOS and the respective entities be maintained. While this would require the continued involvement of OIOS in settling the related funding arrangements, alternate modalities based on the establishment of an administrative office within the Department of Management to liaise with OIOS and each of these entities is not considered to be practical. Furthermore, the inclusion of those requirements in the gross budget without apportionment to an extrabudgetary source of funding would constitute a departure from existing practice, whereby expenditures related to extrabudgetary activities are borne by such sources of funding and consequently require an increase in the amounts to be borne by assessed budgets.

C. Apportionment of the gross budget

14. It is proposed that, at the time of preparation of the first gross budget, the existing distribution of funding between the regular budget, the peacekeeping support account, the budgets for the tribunals, the capital master plan budget and centrally administered extrabudgetary programme support accounts be used as a basis for the initial establishment of the shares for allocation of the gross consolidated budget. Following the initial establishment, the shares would be subject to review in the context of subsequent budget proposals, taking into account the level and nature of activities carried out under each source of funding and related risk-based adjustments to the overall OIOS budget.

15. Indicative resource estimates and shares based on the main sources of funding of the Office at the present time are set out in annex II. As reflected in annex II, the gross budget would amount to $73.9 million representing approximately 89 per cent of the overall funding requirement of OIOS based on current information. Out of a total gross budget of $73.9 million, 42.7 per cent, or $31.5 million, would be borne by the regular budget, and 50.4 per cent, or $37.3 million, by the peacekeeping support account. The remaining amount of $5.1 million would be borne by the budgets of the International Criminal Tribunal for Rwanda and the International

Tribunal for the Former Yugoslavia, the capital master plan budget, and the extrabudgetary support accounts in the shares indicated in the annex. While the annex illustrates the apportionment based on current information, these shares would initially be established based on updated information at the time of preparation of the first gross budget under the arrangements proposed above.

D. Unforeseen and extraordinary provision for emerging risks

16. It is also proposed by OIOS that a provision for unforeseen expenses related to oversight services be established. Under these arrangements, the Secretary-General would be authorized, subject to the Financial Regulations and Rules of the United Nations,[3] to enter into commitments not to exceed a total of 8 million United States dollars in any one year of the biennium to meet unforeseen expenses for oversight services arising either during or subsequent to the biennium as the Under-Secretary-General for Internal Oversight Services certifies relate to emerging risks. This provision would ensure capacity to address emerging risks, including instances where the initiation of ad hoc investigative services covering activities of a fund or programme is dependent on agreement by that organization to fund such services. Such expenses would be reported in the performance reports, consistent with the practice followed for unforeseen and extraordinary expenses related to peace and security, the International Court of Justice and the security of personnel, and the related shares would be apportioned to the relevant budgets. A draft of the traditional text of the biennial resolution on unforeseen and extraordinary expenses, revised to cover oversight services, is set out in annex III.

E. Timing

17. In terms of timing, the proposed budget would be prepared in the first quarter of the year preceding the start of the biennium for submission to the Independent Audit Advisory Committee. This would allow related budgets to include a net provision, taking into account the level proposed and the respective share. The regular budget provision would be based on the proposed gross budget and would be adjusted, as required, to take into account the actual level of the approved gross budget, with subsequent adjustments in the context of performance reports consistent with current practices for jointly financed activities. Given the timing of approval of the peacekeeping support account budget, the related net provision would initially be formulated under existing arrangements for the support account as a transitional measure. This would be necessary to ensure adequate funding for six months under existing arrangements, and for a subsequent six months based on the share of the gross budget approved under the revised arrangements. Adjustments would be made in the support account performance report to take into account differences between the approved provision in the support account and the share based on the actual level of the approved gross budget. The cycle for budget preparation, approval, and performance reporting as it would apply for the 2010-2011 period is set out in annex IV.

18. The proposed programme budget outline would include any decisions taken on the level of OIOS resources at the time of preparation of the proposed outline. Any

[3] ST/SGB/2003/7.

resources-related decisions taken subsequent to the adoption of the outline for a biennium by the General Assembly that give rise to additional resource implications would be included in regular budget proposals over and above the outline amount, as may be required. Such risk-based requirements would be subject to the review of the Independent Audit Advisory Committee and the Advisory Committee on Administrative and Budgetary Questions and, given the established budget cycle, decisions taken by the Assembly on the basis of risk assessment and related additional financial implications would not be subject to the provisions of the contingency fund.

IV. Conclusions and recommendation

19. **The gross budget submitted by OIOS based on an assessment of risk in the Organization would consolidate a number of sources of funding that are handled and administered by the Department of Management. A number of other sources of funding would continue to be separately administered. These consist of sources of funding that are subject to specialized intergovernmental body review and/or separate administrative arrangements. These include resources provided through funding arrangements with UNHCR, OHCHR, UNEP, the United Nations Office on Drugs and Crime, UN-Habitat, the International Trade Centre UNCTAD/WTO, the United Nations Framework on Climate Change and the United Nations Joint Staff Pension Fund. Consistent with current practice, such resources would be estimated by OIOS and presented as extrabudgetary resources to the gross budget, thereby providing an overall estimate of resources available to the Office. However, for the longer term, taking into account the need to rationalize and simplify funding arrangements for OIOS and to reduce reliance on extrabudgetary funding, consideration could be given in future periods to accounting for such requirements, where possible, within proposals under the consolidated gross budget.**

20. **The General Assembly is requested to take the following actions:**

(a) **Approve the revised funding arrangements for the Office of Internal Oversight Services set out in annex I of the present report, to be implemented with respect to the budget for the period 2010-2011;**

(b) **Request the Secretary-General to report on the experience gained implementing the revised funding arrangements at its sixty-sixth session.**

Annex I

Funding arrangements for the Office of Internal Oversight Services

Risk assessment

1. The Office of Internal Oversight Services (OIOS) defines risk as the threat that an event or action will adversely affect the ability of the United Nations to achieve its organizational objectives and execute its strategies successfully. Risk is measured before taking into consideration the risk control techniques that are employed by management and has two components: the likelihood or probability of occurrence; and the impact that the event or action would have. Risk assessments will be conducted by OIOS at the department/entity level. The risk assessment process will be led by OIOS and will involve key staff in the department/entity. Where risk assessments have already been conducted by the department/entity, OIOS will review the risk methodology applied and make an evaluation as to whether reliance can be placed on risk assessment data. OIOS may decide to conduct its own risk assessment if the objectivity of the data is deemed to be unreliable. Risks identified in the risks assessments conducted in each department/entity will then be consolidated to produce an Organization-wide table of risks in order of priority.

Budget

2. OIOS will prepare a budget on the basis of the risk assessment. OIOS will estimate the amount of resources required to undertake oversight of each risk identified. This would include an estimate of the number of staff days, travel and other non-post requirements. OIOS will calculate the staff days available for undertaking oversight assignments based on the number of staff allotted and the available staff days, taking into account, inter alia, annual leave, sick leave, training and administrative work. It is estimated that this approximates to about 200 days per staff member per annum. A budget will be prepared that will relate directly to the full OIOS workplan, including internal audit, inspection, evaluation and investigation functions.

3. The OIOS budget will be submitted to the Office of Programme Planning Budget and Accounts, Department of Management, for technical purposes and strictly to ensure that it is consistent with the technical costing standards to be utilized for the period. The Department of Management will make no comment nor have any input on substantive aspects of the budget proposal. The budget process will be as follows:

(a) A gross budget will be prepared by OIOS that would cover and consolidate the requirements currently funded under the regular budget, as well as the budgets of the peacekeeping support account, the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia and the capital master plan, and the centrally administered extrabudgetary programme support accounts;

(b) The Office of Programme Planning Budget and Accounts will ensure that the related individual sources of funding include provisions budgeted on a net basis to cover the respective shares to be borne;

(c) Other sources of funding that are subject to specialized intergovernmental body review and/or separate administrative arrangements would be estimated by OIOS and presented as extrabudgetary resources in relation to the gross budget, thereby providing an overall estimate of resources available to OIOS. These resources would be directly administered by the Office in conjunction with the related organizations.

Apportionment of the gross budget of the Office of Internal Oversight Services

4. The existing distribution of funding between the regular budget, the peacekeeping support account, the budgets for the international tribunals, the capital master plan budget and centrally administered extrabudgetary programme support accounts will be used as a basis for the initial establishment of the shares for allocation of the gross consolidated budget. These shares would be subject to review in the context of subsequent budget proposals, taking into account the level and nature of activities carried out under each source of funding and related risk-based adjustments to the overall budget.

Timing

5. The proposed budget would be prepared in the first quarter of the year preceding the start of the biennium for submission to the Independent Audit Advisory Committee. The workplan and corresponding budget will be presented and the underlying assumptions will be reviewed by the Independent Committee in accordance with the terms of reference to be approved by the General Assembly. The related budgets would include net provisions based on the level proposed and the respective share. The report of the Independent Committee would address, as appropriate, the adequacy of the risk coverage and the adequacy of the OIOS budget to deliver the workplan. The OIOS budget, together with the report of the Independent Committee and the recommendations of the Advisory Committee on Administrative and Budgetary Questions, would be reviewed and approved by the General Assembly, subject to such modifications as the Assembly may decide.

Programme budget outline

6. The proposed programme budget outline will take into account any decisions taken on the level of OIOS resources at the time of preparation of the proposed outline. Any resources-related decisions taken subsequent to the adoption of the outline for a biennium by the General Assembly that give rise to additional resource implications would be included in regular budget proposals over and above the outline amount, as may be required. Such risk-based requirements would be subject to the review of the Independent Audit Advisory Committee and the Advisory Committee and, given the established budget cycle, decisions taken by the Assembly

on the basis of risk assessment and related additional financial implications would not be subject to the provisions of the contingency fund.

Commitment authority for unforeseen expenses related to oversight services

7. The Secretary-General would be authorized, subject to the Financial Regulations and Rules of the United Nations,[a] to enter into commitments not to exceed a total of 8 million United States dollars in any one year of the biennium to meet unforeseen expenses for oversight services arising either during or subsequent to the biennium as the Under-Secretary-General for Internal Oversight Services certifies relate to emerging risks. Such expenses would be reported in the performance reports, consistent with the practice followed for unforeseen and extraordinary expenses related to peace and security, the International Court of Justice and the security of personnel.

[a] ST/SGB/2003/7.

Annex II

Indicative resource estimates and shares based on the main sources of funding for the Office of Internal Oversight Services

Funding source	*Budgeted amounts (United States dollars)*[a]	*Percentage share of gross budget*	*Percentage share of total funding estimates*
Gross budget[b]			
Regular budget	31 545 200	42.7	
Peacekeeping support account	37 266 000	50.4	
International Criminal Tribunal for Rwanda	1 037 500	1.3	
International Tribunal for the Former Yugoslavia	910 900	1.1	
Capital master plan	887 700	1.2	
Extrabudgetary support accounts	2 517 000	3.4	
Subtotal	**73 934 400**	**100.0**	**89.0**
Other funding[c]			
UNHCR	5 425 400		
UNODC	489 800		
UNEP	338 700		
OHCHR	299 800		
UN-Habitat	337 600		
ITC	425 700		
UNJSPF	1 445 800		
UNFCCC	77 600		
Reimbursement account[d]	333 900		
Subtotal	**9 174 300**		**11.0**
Total	**83 108 700**		**100.0**

[a] Estimated on a biennial basis based on information as of 31 January 2007.

[b] Regular budget, peacekeeping support account, and tribunals budgets reflected net of staff assessment.

[c] Acronyms: UNCHR, Office of the United Nations High Commissioner for Refugees; UNODC, United Nations Office on Drugs and Crime; UNEP, United Nations Environment Programme; OHCHR, Office of the United Nations High Commissioner for Human Rights; UN-Habitat, United Nations Human Settlements Programme; ITC, International Trade Centre UNCTAD/WTO; UNJSPF, United Nations Joint Staff Pension Fund; UNFCCC, United Nations Framework Convention on Climate Change.

[d] Reimbursement account primarily for reimbursement of oversight services provided by OIOS to the funds and programmes (primarily utilized for investigative services).

Annex III

Draft resolution on unforeseen and extraordinary expenses

The General Assembly,

1. *Authorizes* the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations and Rules of the United Nations[a] and the provisions of paragraph 3 below, to enter into commitments in the biennium __ to meet unforeseen and extraordinary expenses arising either during or subsequent to the biennium, provided that the concurrence of the Advisory Committee shall not be necessary for:

(a) Such commitments not exceeding a total of 8 million United States dollars in any one year of the biennium ___ as the Secretary-General certifies relate to the maintenance of peace and security;

(b) Such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by:

(i) The designation of ad hoc judges (Statute of the International Court of Justice, Article 31), not exceeding a total of 200,000 dollars;

(ii) The calling of witnesses and the appointment of experts (Statute, Article 50) and the appointment of assessors (Statute, Article 30), not exceeding a total of 50,000 dollars;

(iii) The maintenance in office for the completion of cases of judges who have not been re-elected (Statute, Article 13, paragraph 3), not exceeding a total of 40,000 dollars;

(iv) The payment of pensions and travel and removal expenses of retiring judges and travel and removal expenses and installation grants of members of the Court (Statute, Article 32, paragraph 7), not exceeding a total of 410,000 dollars;

(v) The work of the Court or its Chambers away from The Hague (Statute, Article 22), not exceeding a total of 25,000 dollars;

(c) Such commitments not exceeding a total of 1 million dollars in the biennium ___ as the Secretary-General certifies are required for security measures pursuant to section XI, paragraph 6, of General Assembly resolution 59/276 of 23 December 2004;

(d) Such commitments not exceeding a total of 8 million dollars in any one year of the biennium ___ as the Under-Secretary-General for Oversight Services certifies relate to emerging risks, including ad hoc investigations;

2. *Resolves* that the Secretary-General shall report to the Advisory Committee and to the General Assembly at its __ and ___ sessions all commitments made under the provisions of the present resolution, together with the circumstances relating thereto, and shall submit supplementary estimates to the Assembly in respect of such commitments;

[a] ST/SGB/2003/7.

3. *Decides* that for the biennium ____, if a decision of the Security Council results in the need for the Secretary-General to enter into commitments relating to the maintenance of peace and security in an amount exceeding 10 million dollars in respect of the decision, that matter shall be brought to the General Assembly, or, if the Assembly is suspended or not in session, a resumed or special session of the Assembly shall be convened by the Secretary-General to consider the matter.

Annex IV

Cycle for the budget period 2010-2011

	Gross budget	*Regular budget*	*Peacekeeping support account*
2008			
December	Biennial programme plan for internal oversight services approved (in the context of the strategic framework for 2010-2011)	Programme budget outline for the biennium 2010-2011 approved	
2009			
March	Gross budget proposed for the biennium 2010-2011	Proposed regular budget includes 24 months share of the proposed gross budget	Proposed support account budget for 2009/2010 includes 12 months of funding on the existing basis of formulation. During the transition period, this is necessary for adequate funding for the 6-month period from July to December 2009 under existing arrangements and for the subsequent 6-month period from January to June 2010 under the revised arrangements
December	Gross budget approved for the biennium 2010-2011	Approved regular budget includes 24 months share of the approved gross budget	
2010			
June			Support account performance report for 2009/2010 includes adjustment to take into account differences arising from 6 months of funding (January to June 2010) based on the gross budget approved under the revised arrangements
July			Proposed support account for 2010/2011 includes 12 months share of the approved gross budget
December	Gross budget revised to take into account first performance report adjustments	Regular budget revised to take into account share of first performance report adjustments	

	Gross budget	*Regular budget*	*Peacekeeping support account*
2011			
July			Support account 2011/2012 includes 6 months share of the initially approved gross budget, plus the share of the first performance report adjustments
December	Gross budget revised to take into account second performance report adjustments	Regular budget revised to take into account second performance report adjustments	
2012			
June			Support account performance report for 2011/2012 is adjusted based on the second performance report and closed accounts